

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

LINDA D. DEATON,

Plaintiff,

v.

CHEVY CHASE BANK, a  
corporation, BANK ONE, a  
corporation, and JANE DOES 1-10  
and JOHN DOES 1-10, DOE  
CORPORATION 1-10, and DOE  
GOVERNMENTAL ENTITIES 1-  
10,

Defendants.

CIVIL NO. CV01-00352 SPK/BMK

**DECLARATION OF ARNOLD T.  
PHILLIPS II**

**DECLARATION OF ARNOLD T. PHILLIPS II**

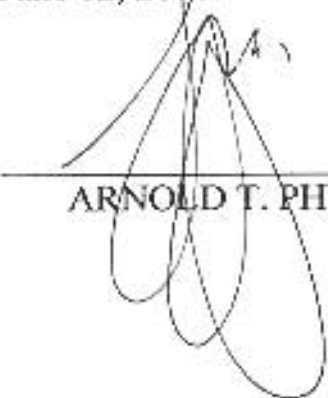
ARNOLD T. PHILLIPS II declares as follows:

1. He is the attorney the Plaintiff in the above-entitled action;
2. He makes this declaration on the basis of personal knowledge,  
unless otherwise indicated;
3. The Exhibit "A" to this concise statement are true and accurate  
copies of the Plaintiff's Separate Concise Statement of Materials Facts in  
Opposition to Defendant Chevy Chase and Defendant Bank One Joint Motion for  
Summary Judgment filed June 10, 2002;

4. In early June 2001 I was contacted by Defendants who told me that they had learned that the lawsuit had been filed through a search of docket of the United States District Court. The Defendants knew the Plaintiff's name and identified the Defendants Chevy Chase and Bank One. They were aware at this time of the litigation and the parties. They contacted me as the attorney of record for the Plaintiff. We had several communications and on June 26, 2001, I received a letter from the Defendants referencing the instant litigation by case number and thanking me for sending them a copy of the complaint. We discussed the lawsuit and began to communicate regarding the service of the complaint by waiver of service. The legal department of the Defendants received the Waiver of Summons on August 7, 2001 and the Waiver of Summons was filed on August 23, 2001;

5. Declarant makes this declaration under penalty of perjury and states that the matters attested to herein is to the best of his knowledge and belief.

DATED: Honolulu, Hawaii, June 12, 2006.



ARNOLD T. PHILLIPS II